

**CITY OF MANCHESTER
CHARTER COMMISSION
Final Report – June 16, 2003**

The City of Manchester Charter Commission is recommending revisions to the current charter to take effect upon passage, except as noted. The Commission is requesting the Board of Mayor and Aldermen place the question of adopting the proposed revision on the November 2003 General Municipal Election Ballot. Enclosed is the complete text of the proposed revision. Key revisions recommended are:

- Partisan Elections for all offices except School Committee, instead of non-partisan elections.
- Primary Election for School Committee candidates, regardless of how many are running.
- Eliminate the At-Large Aldermen and At-Large School Committee positions.
(Effective November 22, 2005.)
- Change Welfare Commissioner to department head appointed by Mayor and approved by majority of Aldermen.
(Effective November 22, 2005.)
- Allow sending towns to have representation on committees of the School Board.
- Change inauguration date of elected officials from early January to two weeks following the November election.
(Effective November 2005.)
- Change finalization of City budget (includes school budget) from early June to the first Tuesday in April.
- Change budget fallback provisions from the Mayor's budget submission to the prior year budget, if allowed by state law.
- Eliminate commissions for Police, Fire, Highway, and Parks, Recreation & Cemetery, and remove Board of Mayor and Aldermen authority to establish departmental commissions.
- Mayor and one Alderman to now serve on Airport Authority and Water Commission.
- Change City Clerk to be elected by the Board of Mayor and Aldermen every two years, rather than appointed by Board until removed.
- Allow removal of department head or officer by mayor with simple majority of Board of Mayor and Aldermen, rather than a finding by a super majority of the Board of Mayor and Aldermen.

- The Mayor rather than the Board of Aldermen to now nominate City officers and includes the City Solicitor as a City officer.
- Eliminate the Board of Mayor and Aldermen's authority to set compensation for the Mayor, School Committee, and Aldermen; sets compensations: Mayor, \$68,000; School Committee each \$2,000, and Aldermen each \$5,000 annually.
- Requires period of public testimony at committee meetings of the School Committee.
- Tightens provisions for charter enforcement and ethics code adding city officials, parents and siblings to definitions; adds standards of conduct by charter rather than ordinance.
- Requires an internal auditor nominated by the Mayor and approved by a majority of the Board of Mayor and Aldermen, rather than provisional ordinance under Finance Department.



Final Report
2003 PROPOSED REVISED CHARTER
May 21, 2003

Preamble

Art. I.	Powers, §§ 1.01, 1.02
Art. II.	Board of Mayor and Aldermen, §§ 2.01-2.06
Art. III.	Departments, Boards, Commissions, and City Officers, §§ 3.01-3.12
Art. IV.	Schools and School Committee §§ 4.01-4.04
Art. V.	Elections §§ 5.01-5.38
Art. VI.	Budgets and Appropriations, §§ 6.01-6.13
Art. VII.	Procurement Procedures, §§ 7.01-7.02
Art. VIII.	General Provisions, §§ 8.01-8.14
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Preamble

We, the people of the city of Manchester, State of New Hampshire, in order to maintain our right of local self-government and to secure the benefits and advantages granted by the State constitution, do adopt and establish this home rule charter. This charter expresses the desire we, the citizens, have to govern ourselves in the most effective, efficient, and beneficial manner. We resolve for ourselves and for our children that there be a representative government which promotes the general welfare and stimulates harmony and creativity among all its citizens. Through the elective process, we secure for ourselves and future generations a municipal government which strives to achieve compassion, freedom, and justice.

ARTICLE I. POWERS

Section 1.01 Incorporation.

The residents of the city shall continue to be a body politic and corporate under the name of Manchester and shall have, exercise, and enjoy all rights, immunities, powers, and privileges, and shall be subject to all duties and liabilities now incumbent upon them as a municipal corporation. All existing property of the city shall remain vested in it, and all existing debts and obligations of the city shall remain obligatory upon it after the adoption of this charter. All ordinances not inconsistent with the provisions of this charter shall continue to remain in full force and effect until amended or repealed.

Section 1.02 General powers.

The city shall have all powers as now are or hereafter may be conferred upon cities under the New Hampshire State Constitution and under the Revised Statutes Annotated.

ARTICLE II. BOARD OF MAYOR AND ALDERMEN

Section 2.01 The governing body.

The administration of the fiscal affairs, municipal resources and other affairs of the city shall be vested in a principal officer to be called the mayor and the board of aldermen who as a body, acting together, shall be known as the board of mayor and aldermen.

Section 2.02 Composition, general powers and duties of the board of aldermen.

- a) *Composition.* The board of aldermen shall be composed of twelve (12) aldermen, one residing in each of the separate wards of the city. The board of aldermen shall be the final judge of the election and qualifications of its members.
- b) *Election of chair, representatives.* At the organizational meeting of the board of mayor and aldermen, the board of aldermen shall elect its chairman, and the aldermanic representatives to the Planning Board and the Manchester Development Corporation. The board of aldermen shall also nominate the aldermanic representatives to the Airport Authority and Water Works Commission at such meeting.

Section 2.03 General powers and duties of the board of mayor and aldermen.

- a) *Powers and duties under general and special laws.* The board of mayor and aldermen shall have all powers and discharge all duties conferred or imposed by this charter or as otherwise provided by law.
- b) *Powers of selectmen.* The board of mayor and aldermen also shall have the powers of selectmen of towns, so far as consistent with this charter.
- c) *Other powers and duties.* It is the purpose of this charter to confer upon the board of mayor and aldermen the functions of all such bodies, unless a contrary intent or provision herein appears, including all functions of the existing board of mayor and aldermen, whether legislative, executive, administrative, or judicial.
- d) *Power of subpoena.* The board of mayor and aldermen shall retain the power of subpoena as provided in Laws 1965, Chapter 497:16.
- e) *Appointment of City Clerk.* At the organizational meeting of the board of mayor and aldermen, the board shall by joint ballot elect a city clerk pursuant to the provisions of section 3.05 herein.

Section 2.04 Delegation of authority and functions.

The board of mayor and aldermen may delegate such of its powers as may be lawfully delegated to the several authorities, boards, commissions, departments and officers, and may provide for the performance of all duties and obligations imposed on the city by law.

Section 2.05 General powers and duties of the mayor.

- a) *Chief executive officer.* The mayor shall be the chief executive officer of the city.
- b) *Presiding officer.* The mayor shall preside at all meetings of the board of mayor and aldermen.
- c) *Voting power.* The mayor shall vote as prescribed under the Revised Statutes Annotated.
- d) *Communication.* The mayor shall keep the board of aldermen informed of the condition and needs of the city and shall make such reports and recommendations as he may deem advisable. At least quarterly, the finance officer shall prepare and the mayor shall report the state of the city's finances to the public and the board of aldermen.

- e) *Law enforcement authority.* The mayor personally shall enforce, or, subject to his direction and supervision, shall cause other officials to enforce, the ordinances of the city, this charter, and all general laws and special acts applicable to the city.
- f) *Supervisory authority.* The mayor shall supervise the administrative affairs of the city and shall carry out the policies enacted by the board of mayor and aldermen.
- g) *Budget officer.* The mayor shall exercise general supervision and control over the expenditure of all appropriations and shall be responsible for establishing a budget format and procedures for adoption of the annual budget, reviewing all departmental budget requests, and making recommendations to the board of mayor and aldermen on proposed financial policies, appropriation resolutions, and revenues.
- h) *Appointing authority.* The mayor shall appoint the members of the standing committees of the board of school committee and shall choose the chairman of each such standing committee.
- i) *Other powers and duties.* The mayor shall have all powers and discharge all duties, not inconsistent with the provisions of the charter, as now are or hereafter may be conferred or imposed upon him by ordinance, or upon mayors of cities by general law, or upon the mayor of the city of Manchester by special acts not hereby repealed, and shall perform such other duties as may be prescribed by this charter or by ordinance not inconsistent with this charter.

Section 2.06 Meetings.

- a) *Regular meetings.* Regular meetings of the board of mayor and aldermen shall be held at least monthly as provided by ordinance.
- b) *Special meetings.* The mayor or a majority of the aldermen elected may call a special meeting of the board of mayor and aldermen when the interests of the city require it.
- c) *Public comment.* The board of mayor and aldermen shall provide a period of public comment at least monthly.

ARTICLE III. DEPARTMENTS, BOARDS, COMMISSIONS, AND CITY OFFICERS

Section 3.01 Departments.

- a) All departments of the city in existence on the effective date of this charter shall remain as then organized unless and until a majority of the board of mayor and aldermen shall vote to establish, eliminate, combine or otherwise reorganize departmental structure by ordinance to meet the future needs of the city. Such ordinance(s) shall describe the functions of the departments so established.

- b) In exercising the powers set forth herein, the board shall detail in any ordinance passed, the scope and duties of any department and shall have the power to consolidate similar functions performed by several departments in one or more departments.
- c) The board of mayor and aldermen may, by majority vote, transfer support functions from one department to another in the interest of economy or efficiency or in keeping with good business practice.

Section 3.02 Departments existing at adoption.

For reference, the following departments of the city exist at the adoption of this charter. The departments existing are as follows:

Board of Assessors	Fire Department	Police Department
Department of Aviation	Health Department	Risk Management
Building Department	Highway Department	School Department
Office of the City Clerk	Human Resources Department	Office of the Tax Collector
Office of the City Solicitor	Information Systems Department	Traffic Department
Economic Development	Library	Water Department
Elderly Services	Office of the Mayor	Welfare Department
Finance Department	Parks, Recreation & Cemetery	Office of Youth Services
	Planning and Community Development	

Section 3.03 Boards and commissions of departments.

There shall not be any board or commission for any department of the city unless required by state or federal law except those outlined herein.

- a) *Airport Authority.* There shall be an airport authority consisting of seven (7) members. The mayor and a member of the board of aldermen shall serve as ex-officio members of the authority having all the powers and duties vested in other members coincident with their terms of office. At each organizational meeting of the board of mayor and aldermen, the aldermanic representative shall be nominated by the board of aldermen and confirmed by a majority of the board of mayor and aldermen. Two of the members of the airport authority shall be residents of the Town of Londonderry pursuant to the inter-municipal agreement and shall be nominated by the mayor and confirmed by a majority of the board of mayor and aldermen. The three remaining members of the commission shall be nominated by the mayor and confirmed by a majority of the board of mayor and aldermen consistent with other provisions of this charter.
- b) *Water Commission.* There shall be a water commission consisting of seven (7) members. The mayor and a member of the board of aldermen shall serve as ex-officio members of the commission having all the powers and duties vested in other members coincident with their terms of office. At each organizational

meeting of the board of mayor and aldermen, the aldermanic representative shall be nominated by the board of aldermen and confirmed by a majority of the board of mayor and aldermen. The remaining members of the commission shall be nominated by the mayor and confirmed by a majority of the board of mayor and aldermen consistent with other provisions of this charter.

- c) *Elderly Services Commission.* There shall be an elderly services commission consisting of six (6) members. Such commission shall not require a member representing organized labor.
- d) Unless otherwise prescribed by federal or state law, inter-municipal agreement, contract or this charter, the following shall apply to all commissions, boards and authorities authorized under this section.

Membership, appointment and limitations

- 1) Members of commissions shall be residents of the city nominated by the mayor and confirmed by a majority of the aldermen elected.
- 2) Except where provided otherwise by state law, members of commissions shall serve for staggered three (3) year terms and shall be limited to two (2) consecutive full terms on the same commission. (A full term shall be considered a term of two (2) years or more.) No member shall take office for a term, having served two (2) consecutive terms, unless two (2) years shall have elapsed since such member completed the second consecutive term.
- 3) One member of each commission shall be a representative from organized labor, who shall hold a valid union membership at the time of nomination and during their term of office. The mayor shall choose such representatives for nomination through a list of not less than five names to be provided by organized labor. In the event less than five names are submitted, the mayor may choose a nominee that holds a valid union membership. This requirement shall not apply to the elderly services commission.
- 4) No commission shall be comprised entirely of members of the same political party. No commission shall have a majority of members from any one ward of the city. The mayor and aldermen shall seek broad geographical representation for members of all commissions.
- 5) Each January, all commissions shall choose one of their members to chair the commission and one to serve as secretary.
- 6) The mayor shall establish procedures to give reasonable notice of vacancies before they are filled and provide an opportunity for application by citizens of the city.
- 7) Should a vacancy occur, the vacancy shall be filled for the unexpired term in a manner consistent with the provisions of this charter.

- 8) Except where provided otherwise by state law, no member of a commission shall serve in holdover status for a period longer than ninety (90) days after the expiration of any term. At the end of such period, the office shall become vacant unless the mayor has re-nominated the incumbent or nominated a replacement. The mayor shall submit a nomination to the aldermen for confirmation not later than ninety (90) days after the expiration of the term.
- 9) In the event the mayor shall fail to submit a nomination in said ninety (90) day period, the position shall be filled by the board of aldermen which shall be entitled to nominate and confirm its choice. Such confirmation vote shall require the votes of eight (8) aldermen.
- 10) In the event the mayor makes a nomination in said ninety (90) day period and the nominee is not confirmed, the mayor shall be entitled to nominate a new candidate within ninety (90) days after the rejection of the prior nominee. There shall be no limit on the number of nominees the mayor may nominate as long as nominations are made within ninety (90) days of the rejection of the prior nominee.
- 11) The board of mayor and aldermen may remove a member of a commission by finding cause and upon the vote of eight (8) of the aldermen elected.

Authority

- 12) Commissions will continue to consult, advise and suggest policy recommendations to the department heads and board of mayor and aldermen on matters appropriate to the department.
- 13) Upon request of the board of mayor and aldermen or the department head, the commission may advise the board or the department head on specific matters referred to the commission.
- 14) The commission shall have no authority over personnel decisions or administration of the department unless otherwise required by state statute or this charter.
- 15) If specifically requested to do so by the mayor, the commission may serve as a nominating committee to recommend a candidate or candidates to the mayor for department head.
- 16) Upon request of the board of mayor and aldermen, the commission shall assume the policy-making authority of the board of mayor and aldermen in accordance with the provisions of this charter. The board of mayor and aldermen shall retain the right to rescind such action.

Section 3.04 Boards and commissions not related to departments.

All boards and commissions not related to departments of the city in existence as of the effective date of this charter shall remain as then organized unless and until a majority of the board of mayor and aldermen shall vote to establish, eliminate, combine or otherwise reorganize the structure of such boards or commissions by ordinance to meet the future needs of the city. Such ordinance(s) shall describe the functions of the boards or commissions so established and provide for staggered terms. Boards and commissions not relating to departments existing at adoption are as stated herein:

Board of Assessors	Economic Development Office	Planning Board
Access Manchester	Board of Health	Board of Recount
Art Commission	Heritage Commission	Board of Registrars
Board of Adjustment	Housing and Redevelopment Authority	Retirement Board
Building Board of Appeals	Trustees of City Library	Safety Review Board
Conduct Board	Millyard Design Review Committee	Transit Authority
Conservation Commission	Personnel Appeals Board	Trustees of Trust Fund
Contributory Retirement Board		

- a) Other boards and commissions may be established and members appointed as set forth by ordinance or law.
- b) Unless otherwise prescribed by federal or state law, inter-municipal agreement, contract or this charter, the following shall apply to all commissions, boards and authorities authorized under this section.

Membership, appointment and limitations.

- 1) Members of commissions shall be residents of the city nominated by the mayor and confirmed by a majority of the aldermen elected.
- 2) Except where provided otherwise by state law, members of commissions shall serve for staggered three (3) year terms and shall be limited to two (2) consecutive full terms on the same commission. (A full term shall be considered a term of two (2) years or more.) No member shall take office for a term, having served two (2) consecutive terms, unless two (2) years shall have elapsed since such member completed the second consecutive term.
- 3) One member of each commission shall be a representative from organized labor, who shall hold a valid union membership at the time of nomination and during their term of office. The mayor shall choose such representatives for nomination through a list of not less than five names to be provided by organized labor. In the event less than five names are submitted, the mayor may choose a nominee that holds a valid union membership.
- 4) No commission shall be comprised entirely of members of the same political party. No commission shall have a majority of members from any one ward

of the city. The mayor and aldermen shall seek broad geographical representation for members of all commissions.

- 5) Each January, commissions shall choose one of their members to chair the commission and one to serve as secretary.
- 6) The mayor shall establish procedures to give reasonable notice of vacancies before they are filled and provide an opportunity for application by citizens of the city.
- 7) Should a vacancy occur on a commission, the vacancy shall be filled for the unexpired term in a manner consistent with the provisions of this charter.
- 8) Except where provided otherwise by state law, no member of a commission shall serve in holdover status for a period longer than ninety (90) days after the expiration of any term. At the end of such period, the office shall become vacant unless the mayor has re-nominated the incumbent or nominated a replacement. The mayor shall submit a nomination to the aldermen for confirmation not later than ninety (90) days after the expiration of the term.
- 9) In the event the mayor shall fail to submit a nomination in said ninety (90) day period, the position shall be filled by the board of aldermen which shall be entitled to nominate and confirm its choice. Such confirmation vote shall require the votes of eight (8) aldermen.
- 10) In the event the mayor makes a nomination in said ninety (90) day period and the nominee is not confirmed, the mayor shall be entitled to nominate a new candidate within ninety (90) days after the rejection of the prior nominee. There shall be no limit on the number of nominees the mayor may nominate as long as nominations are made within ninety (90) days of the rejection of the prior nominee.
- 11) The board of mayor and aldermen may remove a member of a commission by finding cause and upon the vote of eight (8) of the aldermen elected.

Authority

- 12) Commissions will continue to consult, advise and suggest policy recommendations to the department heads and board of mayor and aldermen on matters appropriate to the department.
- 13) Upon request of the board of mayor and aldermen, a committee thereof, or a department head, the commission may advise the board or a department head on specific matters referred to the commission.
- 14) The commission shall have no authority over personnel decisions or administration of a department.
- 15) Upon request of the board of mayor and aldermen, the commission shall assume the policy-making authority of the board of mayor and aldermen in

accordance with the provisions of this charter. The board of mayor and aldermen shall retain the right to rescind such action.

Alternates

- 16) The board of mayor and aldermen may provide by ordinance for alternates provided however that such alternate members shall be appointed consistent with the provisions of members of commissions herein.
- c) *Board of Assessors.* There shall be a board of assessors consisting of three (3) members who shall continue to act in its current capacity as a board of appeals for abatements, unless a majority of the aldermen elected vote to reorganize the assessors' office pursuant to Section 3.01. The assessors shall be nominated by the mayor and subject to confirmation by a majority of the aldermen elected. The assessors shall be entitled to a salary and benefit package similar to non-affiliated employees. Not more than two (2) members of the board shall be of the same political party. One of the three assessors shall be a department head who shall be nominated by the mayor and subject to confirmation by a majority of the aldermen elected. The department head shall chair the board of assessors. Any of the assessors may be removed for cause pursuant to Section 3.07.
 - d) *Board of Health.* There shall be a board of health consisting of five (5) members who shall be residents of the city. The board of health shall have at least one physician, one dentist, and one nurse among its membership.

DEPARTMENT HEADS AND OFFICERS

Section 3.05 Appointments.

- a) Except for the city clerk, department heads and officers shall be nominated by the mayor and confirmed by a majority of the aldermen elected.
- b) The city clerk shall be nominated by any member of the board of mayor and aldermen and confirmed by a majority of the board of mayor and aldermen for a term of two years coinciding with the term of elected city offices.
- c) Upon adoption of this charter, the commissioner of welfare shall be known as the department head of the welfare department and, subject to the provisions of Section 10.05 c), shall be nominated by the mayor and confirmed by a majority of the aldermen elected.

Section 3.06 Authority.

- a) *Chief administrative officer.* The department head or officer shall be the chief administrative officer of the department, subject to directives of the board of mayor and aldermen.
- b) *Exclusive personnel responsibility.* The department head or officer shall have exclusive responsibility for hiring, promotion, and discipline of personnel within his department subject only to the requirements of personnel ordinances and to the provisions of grievance procedures contained in collective bargaining agreements.
- c) *Supervisory authority.* The department head or officer shall supervise the activities of the department and its employees and shall maintain a proper record of such activities, including moneys expended. The department head shall be exclusive authority to supervise personnel within his department including job assignments.
- d) *Budgetary authority.* The department head or officer shall prepare such budget and program plans and requests as may be necessary for the operation and development of the department and shall submit same directly to the mayor.

Section 3.07 Removal of assessors, department heads, and officers.

The mayor may remove a city officer, department head, or assessor by giving said person written notice of and the basis for such action. Such removal shall not be effective until it has been confirmed by a majority of the board of mayor and aldermen. The city officer, department head, or assessor shall be given the opportunity to be heard prior to such vote.

CITY OFFICERS

Section 3.08 Officers.

There shall be officers of the city listed as follows:

- City Clerk
- City Solicitor
- Finance Officer
- Members, Board of Assessors

Section 3.09 City clerk.

- a) The city clerk shall be appointed pursuant to Section 3.05 and shall keep a journal of all acts, votes, and proceedings of the board of mayor and aldermen. The city clerk shall serve as a member of the board of registrars and shall perform such other duties as are prescribed by law.
- b) The city clerk is empowered, from time to time, to appoint such deputies as may be required, who shall perform all duties as directed by the city clerk.

Section 3.10 City solicitor.

- a) The city solicitor shall be appointed pursuant to Section 3.05. Subject to the direction of the mayor or the board of mayor and aldermen, the city solicitor shall serve as legal counsel to the board of mayor and aldermen and shall exercise general supervision over departments, boards, commissions, and officers to the extent that they perform duties in accordance with law.
- b) The city solicitor is empowered, from time to time, to appoint such deputies as may be required, who shall perform all duties as directed by the city solicitor.

Section 3.11 Finance officer.

- a) The finance officer shall be appointed pursuant to section 3.05. The finance officer shall administer, audit, examine, and oversee the accounts and the financial affairs of the city. The finance officer shall have the authority and be required to supervise and be responsible for the disbursement of all moneys. The finance officer shall maintain a general accounting system for the city and each of its offices, departments, and agencies, audit and approve before payment all bills, invoices, payrolls and other evidence of claims, demands, or charges against the city or any city department or agency and determine their regularity, legality, and correctness. The finance officer shall have the right to inspect and audit any accounts or records of financial transactions maintained by any office, department, or agency receiving an appropriation from the city, which are apart from or subsidiary to the general accounts. The finance officer shall perform such other duties as are prescribed by law or assigned by the board of mayor and aldermen.
- b) The finance officer is empowered, from time to time, to appoint such deputies as may be required, who shall perform all duties as directed by the finance officer.

3.12 Assessors.

Members of the board of assessors shall be officers of the city. The assessors shall be appointed and perform such duties as prescribed pursuant to Section 3.04 herein.

ARTICLE IV. SCHOOLS AND SCHOOL COMMITTEE

Section 4.01 School department.

The city of Manchester, a municipal corporation, shall continue to constitute a single school district, administered by the board of school committee as a department of the city of Manchester. Wherever this charter refers to the school district, school district shall also mean school department. Except as otherwise provided in this charter the board of mayor and aldermen and the board of school committee shall continue to exercise such power in relation thereto as these respective bodies exercised at the time of adoption of this charter.

Section 4.02 School committee.

- a) *Composition.* The school committee shall be comprised of twelve (12) members, one residing in each of the separate wards of the city. The school committee shall sit and act together as one body. The mayor shall be an ex-officio member of the committee with all powers and privileges of other committee members and shall be the chairman of the committee.
- b) *Election of vice-chair.* At the organizational meeting of the board of school committee, the board of school committee shall elect a vice-chairman.
- c) *Committees.* There shall be five (5) members appointed to each of the sub-committees of the school committee. No sub-committee shall have any more or any less than five (5) members except as provided in Section 4.02 d) herein
- d) *Participation for sending communities.* Sub-committees may be increased to include a representative from each community sending students to city high schools under an agreement ratified by the school committee. Only sub-committees dealing with issues relating to the high school at which the sending community has students may be increased. Representatives so appointed may vote only on matters pertaining to such aforementioned schools, and such vote shall constitute no more than a half vote for each sending community consistent herewith. Any vote in which a representative so appointed participates shall not be binding upon the board of school committee.

Section 4.03 Meetings.

- a) *Regular meetings.* Regular meetings of the school committee shall be held at least monthly.
- b) *Special meetings.* The mayor or a majority of school committee members elected may call a special meeting of the board of the school committee when the interests of the school department require it.
- c) *Public testimony at committees.* All sub-committees of the school committee shall provide a period of public testimony.
- d) *Public comment at regular meetings.* At every regular meeting of the school committee, the committee shall provide a period of public comment.

Section 4.04 Superintendent of schools.

The school committee shall nominate a candidate for superintendent of schools for election by the state board of education.

ARTICLE V. ELECTIONS

AUSTRALIAN BALLOT

Section 5.01 Partisan ballot system.

All city and ward officers, except members of the school committee, shall be chosen by partisan ballot.

TERMS AND DEFINITIONS

Section 5.02 Municipal general election.

“Municipal general election” shall mean the biennial municipal election to be held on the Tuesday next following the first Monday of November in each odd-numbered year at which time the qualified voters shall choose city and ward officers.

Section 5.03 Municipal primary election.

“Municipal primary election” shall mean the biennial municipal primary election, conducted by the regular election officers, to be held at the regular polling places in each ward on the third Tuesday of September in each odd-numbered year at which time the qualified voters shall nominate party candidates to be voted for at the municipal general election held in November, and shall select school committee candidates to be voted for at the municipal general election.

Section 5.04 Party.

“Party” shall mean a political organization, as defined under the Revised Statutes Annotated, which may be represented in a municipal primary election.

Section 5.05 Board of registrars.

The “board of registrars” shall refer to the board of registrars, as further defined under the provisions of this charter, which performs such functions pertaining to registration of voters and correction of the checklist as are performed by the supervisors of the checklist as defined under the Revised Statutes Annotated.

Section 5.06 Filing fee.

“Filing fee” shall mean the fee paid to the city clerk for the use of the city by each candidate who submits a declaration of candidacy. The amount of the fee for each office shall be as follows: mayor, \$100; alderman, \$50; school committee, \$25; and other offices, no fee.

Section 5.07 Filing period.

“Filing period” shall mean the ten (10) consecutive working days (excluding Saturday and Sunday) commencing on the second Monday of July in each odd-numbered year during which candidates for municipal office shall file their declarations of candidacy.

Section 5.08 Nominating petitions.

“Nominating petitions” shall mean petitions filed with the city clerk by each political party candidate who submits a declaration of candidacy, and who chooses not to pay the filing fee. The number of petitions for each office shall be as follows: mayor, 200; alderman, 100; school committee; 50; and other offices, none.

Section 5.09 Nomination papers.

“Nomination papers” shall mean papers filed with the city clerk by each independent candidate who chooses to have their name placed on the ballot for the municipal general election as an alternative to nomination by party primary. The number of papers for each office shall be as follows: mayor, 500; alderman, 250; and other offices, none.

*POLITICAL CALENDAR***Section 5.10 Authority.**

Prior to the municipal primary election, the city clerk with the advice and approval of the city solicitor, shall prepare a political calendar for the municipal primary election and the municipal general election setting forth the dates when action required under the election laws must be taken. Copies of such calendar shall be available in the office of the city clerk.

*ELECTION OF OFFICERS***Section 5.11 City and ward officers.**

At every municipal general election, the following officers shall be elected:

- a) The mayor by the voters of the city; and
- b) One alderman, one member of the school committee, one moderator, one ward clerk, and three selectmen by the voters in each ward.

Section 5.12 Terms of office and vacancies.

- a) The city and ward officers so chosen shall hold their respective offices for two (2) years from the Tuesday in November which falls two weeks following the municipal general election, and until others are chosen and qualified.
- b) Should a vacancy occur in the office of mayor, as soon as may be after such vacancy shall occur, the board of aldermen shall meet and declare the existence of such vacancy and cause thereof whereupon the board shall elect a mayor who shall serve until the next regular election and until a successor is duly elected and qualified. No person who, at the time of the occurring of the vacancy, is a member of the board of aldermen shall be eligible to be elected as mayor under this provision.

- c) Should a vacancy occur in the office of alderman or school committee member, the board of mayor and aldermen shall fill such vacancy in a manner consistent herewith:
 - 1) Should the vacancy occur within 90 days of the start of the term, or within 90 days of the third Tuesday following the first Monday in November of an even numbered year, the board of mayor and aldermen shall order a special election at the earliest opportunity to fill the vacancy until the next November state or November municipal general election, whichever is sooner. To the extent practicable, the process for filing period and other election procedures shall be consistent with the provisions of this charter.
 - 2) Should the vacancy occur at any other time than that specified above, the board of mayor and aldermen shall, by vote of a majority of the aldermen elected, either fill the vacancy by appointment or order a special election to fill such vacancy until the next November state or November municipal general election, whichever is sooner. The board of mayor and aldermen shall adopt procedures by ordinance to assure that reasonable notice of any such vacancy be given to allow an opportunity for application by registered voters of the ward interested in filling the vacancy by appointment.

CHECKLISTS AND VOTER REGISTRATION

Section 5.13 Board of registrars.

- a) *Number of members.* There shall be a board of registrars consisting of five (5) members, three (3) of whom shall be registered voters who shall have been residents of the city at least five (5) years immediately preceding the date of their appointment, and two (2) of whom shall be ex officio members with a vote, consisting of the city clerk and a member of the board of assessors.
- b) *Appointments.* Each member, except the city clerk, shall be appointed by the mayor subject to the approval of the board of aldermen.
- c) *Political representation.* The three (3) registered voter members of the board shall represent the two (2) leading political parties at the preceding state election, but in no event shall more than two (2) of the registered voter members of the board be of the same political party.
- d) *Term of office.* Appointments to the board shall continue to be made annually in April, and each member, except the city clerk, shall serve a three (3) year term beginning on the first day of May and continuing until a successor is appointed and qualified.
- e) *Vacancies.* Vacancies for the unexpired term shall be filled in the same manner as the original appointment.

f) *Organization.* Annually in May before transacting any other business, the board of registrars shall appoint one of its members as chairman and one as clerk.

g) *Delegation of authority.* The board of registrars is hereby empowered to delegate functions to the city clerk to carry out the registrars' duties prescribed by law.

Section 5.14 Actions by a single registrar.

Any member of the board of registrars, at a place, on the days, and during the hours designated for registration, may accept applications for registration and may examine applicants and witnesses under oath, but all doings of one registrar shall be subject to the revision and acceptance of the board of registrars, unless otherwise prescribed by law.

Section 5.15 Deputy registrars.

The board of registrars is empowered, from time to time, to appoint such deputies as may be required, who shall perform all duties as directed by the board of registrars, including registration of voters.

Section 5.16 Prohibition against holding other public offices.

No person, the ex officio members excepted, shall be appointed as a registrar or deputy registrar who holds any other elective or appointive political office. The acceptance by a registrar or deputy registrar of an office which he is prohibited from holding shall vacate his office as registrar or deputy registrar.

Section 5.17 Sessions.

The board of registrars shall be in session to receive applications during the normal business hours of the city clerk's office and at such other times as may be determined by the board of registrars.

QUALIFICATIONS FOR OFFICE

Section 5.18 Citizenship.

To file as a candidate for or to hold any elective city or ward office, a person must be a citizen of the United States either by birth or by naturalization.

Section 5.19 Domicile.

To file as a candidate for or to hold any elective city or ward office, a person must have and maintain during his term of office a domicile in the city or ward as the case may be.

Section 5.20 Registered voter.

To file as a candidate for or to hold any elective city or ward office, a person must be a registered voter.

Section 5.21 Mayor.

No person shall be eligible to file as candidate for the office of mayor unless he or she shall have been a resident of the city for one (1) year immediately preceding and shall continue to be a resident of the city during his or her term of office.

*NOMINATIONS***Section 5.22 Party candidate.**

The name of a candidate shall not be printed upon the ballot for a municipal primary election unless such candidate (a) is a registered member of that party, (b) shall have met all qualifications for the office such candidate seeks, and (c) shall have filed during the filing period a declaration of candidacy and any other required forms together with the requisite filing fee or shall have filed during the filing period the requisite number of nominating petitions.

Section 5.23 School committee candidate.

The name of a candidate for school committee shall not be printed on the ballot for either the municipal primary election or the municipal general election unless such candidate (a) shall have met all qualifications for the office such candidate seeks, and (b) shall have filed during the filing period a declaration of candidacy and any other required forms together with the requisite filing fee or shall have filed during the filing period the requisite number of nominating petitions.

Section 5.24 Filling vacancies by party committee:

If no declaration of candidacy is filed for any party nomination to be voted for at the municipal election, the chair of each party committee may file the declaration of candidacy of a qualified individual for that nomination no later than 5:00 p.m. on the Wednesday following the close of the filing period described in Section 5.07.

Section 5.25 Nonparty candidate.

As an alternative to nomination by party primary, a candidate may have their name placed on the ballot for the municipal general election if such candidate (a) shall have met all qualifications for the office such candidate seeks, and (b) shall have filed during the filing period the requisite number of nomination papers and any other required forms. No person who filed as a candidate in the municipal primary election shall be eligible to have his name placed on the ballot for the municipal general election by submitting papers as provided in this section.

*PRIMARY***Section 5.26 Posting notice of the primary.**

Each ward clerk shall cause notice of such primary to be posted in three (3) public places in such ward no later than the last Tuesday of July of each odd numbered year.

POST-ELECTION PROCEDURE

Section 5.27 Preservation of ballots and checklists.

The clerks of the several wards shall preserve all votes, whether by machine or by ballot, cast and counted at each election, and shall deliver them immediately, together with the checklists used at such election, to the city clerk. All municipal general election votes and checklists shall be preserved by the city clerk for a period of sixty (60) days.

Section 5.28 Declaration of election results.

When the city clerk has received the returns for an office from all wards comprising the elective district for that office, he or she shall examine, record, and total such returns and, within twenty-four (24) hours of the closing of the polls, shall declare elected to the office the same number of persons as the number of officers to which the elective district is entitled, provided that those persons declared officers elect shall be those persons who received the highest number of votes cast for such office.

RECOUNTS

Section 5.29 Application and filing fee.

Any candidate for whom a vote was cast for any office in any election or who was named on the ballot at the primary election, who is not, according to the count first made by the officials, (a) elected to such office, (b) chosen as the candidate for such office, or (c) chosen as the candidate for such party for which the candidate's name appeared on the ballot, may apply to the city clerk for a recount of the votes cast, provided that the application is received within forty-eight (48) hours after the municipal primary election results or the municipal general election results have been declared by the city clerk. The application must be accompanied by a fee equal to the filing fee established for such office.

Section 5.30 Board of recount.

- a) *Number of members.* There shall be a board of recount consisting of three (3) members: One member of the board of aldermen designated by the mayor, and one member from each major political party nominated by the mayor and confirmed by the board of mayor and aldermen but who shall not be members of the board of mayor and aldermen.
- b) *Term of office.* The term of office shall be two (2) years.
- c) *Vacancies.* Vacancies for the unexpired term shall be filled in the same manner as the original appointment.
- d) *Non-compensatory.* The members of the board of recount shall not be entitled to compensation for their duties as such board.

Section 5.31 Time and notice.

The board of recount shall fix a time for such recount immediately upon the deadline for the filing of an application, but no later than seven (7) days after receipt of the application, and shall notify the opposing candidates thereof, and as soon thereafter as circumstances permit, such recount shall be held.

Section 5.32 Conduct of recount.

Upon the date set for the recount, the ballots shall be counted by the board of recount. The various candidates, and their counsel, shall have the right to inspect the ballots and participate in such recount under such suitable rules as the board may adopt.

Section 5.33 Declaration of result.

- a) *Declaration.* If the recount shall show that a candidate other than the one declared elected or nominated has the greatest number of votes cast for that office, the board of recount shall declare such candidate elected or nominated.
- b) *Refund of fee.* If the recount shall show that the applicant was elected or nominated, the city clerk, within ten (10) days after such recount, shall return the filing fee to him or her.
- c) *Assessment of cost.* If the election results show that the applicant lost the election by more than ten (10) percent of the total votes cast for that office, such applicant's request for a recount shall be deemed frivolous, and, if the recount is unsuccessful in overturning the election results, the applicant shall be required to pay the cost of the recount, as determined by the city clerk, within ten (10) days after such determination.
- d) *Right of appeal.* Nothing herein shall be construed as affecting the right of any person to appeal to the court in any matter relative to the election.

REPORTS

Section 5.34 Political campaign contributions and expenditures.

The provisions of this section shall apply to any municipal election.

Definitions.

- a) "*Candidate*" shall mean any person publicly declared as such and for whom votes are sought in an election for the offices of mayor, alderman, or school committee.
- b) "*Incumbent Official*" shall mean an incumbent mayor, alderman, or school committee member.
- c) "*Contribution*" shall mean a payment, gift, subscription, assessment, contract, payment for services, dues advance, forbearance or loan to a candidate, an

incumbent official or political committee made for the purpose of influencing the nomination or election of any candidate. Contributions shall include the use of any thing of value but shall not include the services of volunteers who receive no pay therefor or the use of personal resources by a candidate on his behalf.

- d) *"Expenditure"* shall mean the disbursement of money or thing of value or the making of a legally binding commitment to make such a disbursement in the future for the purpose of influencing the nomination for election or election of any candidate. It does not include the candidate's filing fee or expenses for personal travel and subsistence.
- e) *"Measure"* shall mean any question which is submitted or intended to be submitted to a popular vote at an election.
- f) *"Municipal election"* shall mean the municipal primary election and the municipal general election.
- g) *"Political Committee"* shall mean any organization of two (2) or more persons to influence through contributions and or expenditures, municipal elections or measures including the political committee of a political party as hereinafter defined.
- h) *"Political committee of a political party"* shall mean the state, county, city, ward or town committee of a political party.

Reporting.

- i) *Consent.* Any political committee which is organized to support a candidate in any election shall secure the written consent of the candidate or the candidate's fiscal agent before it receives contributions or makes expenditures. Such written consent shall be filed with the city clerk at the time the political committee registers as provided in the following paragraph.
- j) *Registration of Political Committee.* Prior to the municipal election for which the political committee is organized, the committee shall file with the city clerk a statement of the purpose of the political committee and a statement of the name, address, occupation and principal place of business, of its chairman, treasurer and other officers, provided, however, that a political committee to promote the nomination of a candidate of a municipal election may not be organized within forty-five (45) days of a municipal primary election.
- k) *Report.*
 - 1) Each candidate and each political committee whose combined contributions or combined expenditures equal or exceed one dollar (\$1.00) shall file a disclosure report with the city clerk within seven (7) days immediately

preceding any election and seven (7) days following any election.

- 2) Each incumbent official whose combined contributions or combined expenditures equal or exceed one dollar (\$1.00) within any quarter of the calendar year shall file a disclosure report with the city clerk within thirty (30) days of the end of each calendar quarter.
- 3) The disclosure report shall be itemized, signed and sworn to either by the incumbent official, the candidate or by the candidate's campaign chairman or treasurer, as applicable, showing each receipt regardless of amount with the full name and address of the contributor and the amount of the contribution made up to the date of the initial report or made since the date of the last report. The report shall also show each expenditure with the full name and address of persons, corporations, committee, or whomever was paid or is to be paid, with the specific nature of the amount of each expenditure made up to the date of the initial report or made since the date of the last report.
- l) *Statement:* Any candidate whose contributions or expenditures are less than the amount designated in the preceding paragraph shall file a statement to that effect which shall be signed and sworn to as set forth in the preceding paragraph.
- m) *Prohibition:* No candidate shall be entitled to nomination or election until the sworn itemized report or statement required to be filed by such candidate or on the candidate's behalf has been filed as herein before required.
- n) *Penalty:* Any candidate, or any member of the candidate's political committee, who is convicted for failure to comply with this section shall be subject to penalty as provided by law.
- o) *Public Inspection:* All reports, statements, written consents and registrations filed by candidates, political committees, and political committees of political parties shall be open to the public.

APPLICABILITY OF STATUTES—ELECTION MATERIALS

Section 5.35 State election laws.

The provisions of the Revised Statutes Annotated relating to state elections including, but not limited to, time computation, voters and checklists, nominations, preparation of voting materials, absentee voting, pre-election procedure, election procedure, post-election procedure, vacancies, elective districts, political expenditures and contributions, and purity of elections, as are not already made specifically applicable to municipal elections, shall apply to all municipal primary elections and municipal general elections to the extent practicable. The city clerk, in consultation with the chief legal officer, shall determine the applicability of state election laws.

Section 5.36 Forms.

The city clerk shall prepare all forms and related materials necessary for the municipal primary election, the municipal general election, and any special municipal elections including, but not limited to declaration of candidacy, nominating petitions, assent to candidacy, affidavit of qualifications, and disclosure forms.

Section 5.37 Ballots.

- a) *Preparation by city clerk.* The city clerk shall prepare sufficient official and sample ballots and all related material for use at the municipal primary election, municipal general election, and any special municipal election.
- b) *Format.* With the exception of the office of mayor, the ballot shall be printed for each ward containing the names, arranged in alphabetical order of their surnames, of all candidates who are thereto entitled. In the case of mayor, the names of such candidates shall be alternated on the municipal primary election ballot so that each name shall appear thereon as nearly as may be an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list in which it belongs. The left side of the ballot shall be for the election of city and ward officers; the right side of the ballot shall be for the election of school committee members.
- c) *Delivery.* The ballots shall be delivered to the moderator or other officer in charge of the election, within one (1) hour before the polls open.
- d) *Write-In votes.* All ballots shall make provisions for write-in votes. If a candidate receiving write-in votes qualifies as a winner of a primary or general election, that candidate shall be included on the general election ballot or declared elected as if qualified under other provisions of this charter, if otherwise qualified to hold the office.

WARDS

Section 5.38 Wards.

The city shall be divided into twelve (12) wards which will remain as presently constituted and set forth in Appendix A until such time as they are changed by amendment hereto.

ARTICLE VI. BUDGETS AND APPROPRIATIONS

Section 6.01 Fiscal year.

The fiscal year of the city shall begin on the first day of July and end on the last day of June.

Section 6.02 Budget review and recommendations.

The mayor, and such other officials as the mayor shall select, shall review all departmental budgets submitted in the form set forth in Section 6.03.

Section 6.03 Budget formulation submission and message.

- a) The mayor shall establish the form and organization of procedures for preparation and adoption of the annual budget, including the school department budget, the capital improvement budget, and other budget instruments and plans for future fiscal periods as the mayor deems appropriate and which shall conform to all city ordinances concerning budgets and fiscal matters. Such procedures shall require that all budgets include all proposed expenditures according to general objects of expenditure and the proposed use and all anticipated revenue.
- b) On or before the second Tuesday in January of each year, the mayor shall submit to the board of aldermen a budget for the ensuing fiscal year and an accompanying message.
- c) The mayor's budget message shall explain the budget in fiscal terms and as an outline of city programs contained and affected. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the city's debt position and include such other material as the mayor deems desirable.
- d) The budget as presented shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the estimated property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be arranged to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding two (2) fiscal years. It shall indicate in separate sections:
 - 1) Proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit and program, purpose or activity, and the method of financing such expenditures;
 - 2) Proposed capital expenditures for at least the ensuing two (2) fiscal years; detailed for each fund by organization unit when practicable, and the proposed method of financing each such capital expenditure; and
 - 3) The anticipated income and expense and profit and loss for the ensuing year for each utility or other enterprise fund operated by the city.

For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus the fund balance carried forward, exclusive of reserves.

Section 6.04 Budget Adoption.

- a) *Notice and Hearing.* The board of mayor and aldermen shall publish a copy of the proposed budget, a notice stating the times and place where copies of the message and budget are available for inspection by the public, and the time and place for a public hearing on the mayor's budget as submitted, at least one week in advance of the public hearing.
- b) *Amendment Before Adoption.* After the public hearing, the board of mayor and aldermen may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and provided that no consolidation of city departments shall be accomplished solely in the budget process without separate and specific additional action by the board of mayor and aldermen. If amendments are made to the budget submitted by the mayor, a second public hearing may be held providing public comment on the changes made, prior to the final adoption of the budget.
- c) *Adoption.* The board of mayor and aldermen shall adopt the budget on or before the first Tuesday in April of the fiscal year currently ending. Such adoption shall include such appropriation and revenue ordinances as shall be required to fund the budget adopted. The power of the mayor to veto acts of the board shall apply to the entire budget or any line item thereof stating the specific reasons for the objection and the proposed alternatives to the item vetoed, subject to the power of the board of aldermen to override. In the event of the exercise of a line item veto all portions of the budget not so vetoed shall be passed. (As used herein "line item" shall mean any object of expenditure listed in the budget.) The school department budget shall constitute a single line item. Action by the board of aldermen on any veto shall be completed by the first Tuesday in April. The final adoption of the budget shall require, subject to the veto powers of the mayor, the vote of a majority of the aldermen elected.
- d) *Fallback provisions.* If the board of mayor and aldermen shall fail to adopt appropriation resolutions for the ensuing fiscal year as provided herein, the budget as originally submitted by the mayor shall become the budget. Should the law at any time so permit, the budget of the prior fiscal year, not the budget as originally submitted by the mayor, shall become the budget.

Section 6.05 Amendments after adoption.

- a) *Supplemental appropriations.* If during the fiscal year the mayor certifies, after consultation with and verification by the finance officer, that there are available for appropriation revenues in excess of those estimated in the budget, the board of

mayor and aldermen may make supplemental appropriations for the year up to the amount of such excess, after observing the budget procedures set forth in section 6.04 of this charter.

- b) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the mayor, after consultation with and verification by the finance officer, that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the mayor shall report to the board of mayor and aldermen without delay, indicating the estimated amount of the deficit, any remedial action taken by the mayor and recommendations as to any other steps to be taken. The board of mayor and aldermen shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may reduce one or more appropriations.
- c) *Transfer of appropriations.* At any time during the fiscal year the board of mayor and aldermen may, by resolution, transfer part or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriation for other departments or major organizational units after consultation with and verification by the finance officer of the accounts and balances involved and the fact that such funds are unencumbered. The mayor may authorize a department head to transfer part or all of any unencumbered appropriation balances among programs within a department or organizational unit and shall report such transfers to the board in writing prior to its next meeting. This provision shall not apply to intra-departmental transfers in the school district budget.
- d) *Limitation; effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.
- e) *Budget reconsideration.* Upon a majority vote of the whole number of the aldermen elected and qualified or upon the call of the mayor, the board of mayor and aldermen may reconsider budget appropriation resolutions. In the event that a two-thirds majority of the whole number of the aldermen elected and qualified determine that changes to budget appropriation resolutions are necessary and appropriate, and upon the conduct of a public hearing, budget appropriation resolutions may be amended provided, however, that final action on any such amendment shall be completed within ninety (90) days of the start of the fiscal year for which the appropriation of funds apply. Should the board of mayor and aldermen elect to adopt a biennial budget, procedures set forth shall provide for the option of reconsidering appropriations within ninety (90) days following the 365th day of the fiscal cycle in the same manner as set forth for a single fiscal year herein.

Section 6.06 School department budget.

The school committee shall prepare and submit its budget proposal. The budget shall be subject to the approval of the board of mayor and aldermen. The budget shall be submitted in accordance with the budget form, organization of procedures and schedule established by the mayor under section 6.03 (a). The board of mayor and aldermen shall accept such budget as submitted, or reject it and return it to the school committee along with the explanation for rejection and the maximum dollar amount which the board of mayor and aldermen will approve. The school committee shall then submit a revised budget which shall not exceed the maximum dollar amount established by the board of mayor and aldermen. The school committee shall administer, expend and account for the funds approved by the board of mayor and aldermen and shall have the exclusive authority to transfer funds among line items in the school budget.

Section 6.07 School committee budget hearings.

The school committee shall conduct two (2) public hearings. The first shall be held prior to the submission of the school district budget to the board of mayor and aldermen; the second shall be held within thirty (30) days after the of adoption of the school committee budget by the board of mayor and aldermen for the purpose of considering how the board of school committee shall expend its single line item appropriation from the board of mayor and aldermen.

Section 6.08 Administration of the budget.

The board of mayor and aldermen may provide by ordinance any additional procedures for administering of the budget.

Section 6.09 Prohibition.

No department, agency, or officer shall expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves expenditures of money during the fiscal year in excess of the amounts set forth in, or in a manner inconsistent with, the budget and appropriation resolutions, or in a manner inconsistent with Section 6.05 herein provided, however, that this limitation shall not apply to capital improvements to be financed in whole by the issuance of bonds nor to the making of contracts and leases approved by the board of mayor and aldermen.

Section 6.10 Debt limit.

The debt limit for the city shall be as prescribed by state law as amended from time to time.

Section 6.11 Audit.

- a) *Independent audit.* It shall be the duty of the board of mayor and aldermen to assure that an independent audit shall be made of all books and accounts of the city at least once every year. The audit shall be performed in accordance with the auditing standards promulgated by the Comptroller General of the United States and by certified public accountants or a firm of such accountants experienced in municipal accounting who have no personal interest, direct or indirect, in the fiscal affairs of the city government. There shall be a finance committee of the board of mayor and aldermen which shall be a standing committee and which shall, through a competitive bid process, provide for the selection of the

independent auditors in accordance with the city's procurement code. The contract for auditing services shall be subject to the approval of the board of mayor and aldermen. The results of such an audit shall be made public and reported to the board of mayor and aldermen.

- b) *Internal Audit.* The city shall employ an internal auditor who shall conduct continuous audits of the city's performance and shall report the results of such internal audits to the mayor and to a committee of the board of mayor and aldermen at least quarterly in a format established by such committee. Such auditor shall be nominated by the mayor and confirmed by a majority of the board of mayor and aldermen. The mayor may remove the internal auditor upon confirmation of a two-thirds vote majority of the board of mayor and aldermen.

Section 6.12 Biennial budgeting.

The board of mayor and aldermen may adopt a biennial budget consistent with the provisions of this charter and law, and may adopt ordinances to set out such procedures consistent therewith. Such biennial budget basis shall consist of two distinct twelve (12) month fiscal years. The board of mayor and aldermen may provide, by ordinance, provisions for the rights for departmental carryovers of funds between fiscal years. A biennial budget may only be adopted in even numbered calendar years, except that reconsideration may be given for a remainder of the biennial budget if adopted consistent with reconsideration provisions of this charter.

Section 6.13 Fund depositories.

The board of mayor and aldermen shall provide by ordinance for the designation of one (1) or more depositories of city funds, the periodic deposit of funds and the security required for such funds.

ARTICLE VII. PROCUREMENT PROCEDURES

Section 7.01 Procurement code.

All purchases made by the city for materials, supplies, services, repairs, construction, or other items shall be made in accordance with a procurement code, which shall be adopted by ordinance by the board of mayor and aldermen. The procurement code shall promote fair and equitable treatment to all suppliers or prospective suppliers of goods or services, promote effective competition among prospective suppliers of goods and services, make as uniform as possible the procedures among various departments and agencies of the city, and promote the economical, effective, and efficient use of the city's total resources.

Section 7.02 Procurement methods.

- a) As set forth hereinafter, the procurement code shall specify conditions precedent to and procedures applicable to competitive sealed bidding. As alternatives to competitive sealed bidding, the procurement code may specify conditions precedent to and procedures applicable to the use of one or more of the following methods of

procurement: competitive sealed proposal; small purchase procedures; special competitive selection procedures; and special purchase procedures. Such methods shall be as set in the 1982 Charter or the ordinance adopted thereunder in effect on the effective date of this charter until amended by the board of mayor and aldermen. Any such amendment shall conform with the laws of the State of New Hampshire. No such amendment shall eliminate the requirement for procurement methods as set forth herein but may change the provisions of such procedures for the good of the city.

- b) The city shall not preclude otherwise qualified businesses or individuals of the city of Manchester from participating in the bidding process. Procedures in the bidding process may embody considerations including special and additional preference to local vendors, contractors, and labor as authorized by law. In so far as it is possible, the city shall encourage local businesses to participate in the bidding process.

ARTICLE VIII. GENERAL PROVISIONS

Section 8.01 Establishment of rules.

The board of mayor and aldermen may establish rules, procedures, and standards, hereinafter called policies, relating to matters over which the board has jurisdiction. Such policies shall be set forth in a manual which shall be maintained by the city clerk and made available to all departments.

Section 8.02 Periodic review.

Not less than once every ten (10) years, the board of mayor and aldermen shall cause the question of charter revision to be considered by the voters under the provisions of state law. Nothing in this provision shall limit the availability of the charter amendment process provided by law.

Section 8.03 Compensation of officials.

- a) Effective January 6, 2004 the salary of the mayor shall be set at sixty-eight thousand dollars (\$68,000.00). The mayor shall be entitled to the same benefit package as non-affiliated employees. The mayor shall not be entitled to any retirement benefit package or plan.
- b) Effective January 6, 2004 each alderman shall receive an annual stipend of \$5,000.00. Aldermen shall not be entitled to any other benefits or compensation from the city in performance of their duties as aldermen.
- c) Effective January 6, 2004 each school committee member shall receive an annual stipend of \$2,000.00. School committee members shall not be entitled to any other benefits or compensation from the city in performance of their duties as school committee members.

Section 8.04 Bonding of officers.

Any city officer or official, appointed by authority of this charter, may be required by the board of mayor and aldermen to give a bond to be approved by the city solicitor

for the faithful performance of the duties of his or her office, but all officers receiving or disbursing city funds shall be so bonded. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the city. Such bonds shall be filed with the city clerk.

Section 8.05 Incompatibility of offices.

No elected city official, other than a moderator, a ward clerk or a selectman, shall be employed by the city or school district during the official's term in office. Acceptance of the elected office of mayor, alderman or school committee member by a city or school district employee shall result in termination of employment.

LIBRARY

Section 8.06 Contract with the Athenaeum.

The contract dated September 6, 1854 between the city and the Manchester Athenaeum executed pursuant to the Laws of 1854, Chapter 1588, is recorded in the office of the city clerk in the Manchester City Reports 1855-1859 beginning at page 107. The provisions of this charter referring to commissions and department heads shall apply to the library as may be consistent with the contract and state law.

LOCAL INITIATIVE

Section 8.07 Initiative.

- a) On the written petition of a number of voters equal to at least fifteen percent (15%) of the registered voters of the city, including at least six percent (6%) of the registered voters of each ward, the board of mayor and aldermen shall order nonbinding informational questions to be placed on the ballot at any general election, whether federal, state, or municipal except a primary, held within the municipality in accordance with the procedures set forth below.
- b) The petitions shall be limited to questions which do not involve established operational expenses of the city or questions on appointed or elected officials of the city. Each page comprising the total petition shall be complete unto itself as a separate document setting out in full the proposed initiative questions and shall be in such format as is approved by the city clerk prior to voter signature, and each such petition shall be signed by only one voter. Such petitions shall be submitted to the city clerk not less than forty-five (45) days prior to the election at which the question is to be submitted to the voters, and such petitions shall be collected within twelve (12) months of the election at which the question will appear. The city clerk shall certify as to the adequacy of such petitions on examination of the same after referring the same to the board of registrars for verification and report. On certification by the city clerk of the adequacy of the petitions, the board of mayor and aldermen shall order such questions placed on the ballot, but the result of any such initiative shall be nonbinding, unless otherwise required by law.

Section 8.08 Oaths.

Every person elected or appointed to any city office before entering upon the duties of his office shall take the oath of office prescribed by law. The oath of office shall be taken on the Tuesday in November which falls two weeks following the municipal general election.

RETIREMENT

Section 8.09 Employee Retirement System.

- a) The retirement system for city employees approved on referenda, as proposed by Laws 1973, Chapter 218; Laws 1976, Chapter 24; Laws 2002, Chapter 194 and Laws 2002, Chapter 147 shall remain in full force and effect.
- b) Eligible persons within the school department, police department and fire department shall participate in the appropriate state administered retirement system as required by law.

Section 8.10 Pension Act Repeal.

All existing annual pension acts are hereby repealed except that such acts shall continue in force with respect to persons already receiving annual pensions and with respect to present employees not disqualified by law or by ordinance from receiving annual pensions under such acts.

SEPARABILITY

Section 8.11 Provisions and Application.

If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of this charter or any of its provisions to any person or circumstances is held invalid, the application of this charter and its provisions to any other person or to any other circumstance shall not be affected thereby.

SPECIAL ACTS

Section 8.12 Applicability.

Special acts inconsistent with the provisions of this charter are repealed to the extent of such inconsistency.

VETERANS

Section 8.13 Veterans Recognition.

In recognition of its veterans who have fought and died for their country, the city shall honor them in appropriate ceremonies on Memorial Day and Veterans Day.

CHARTER ENFORCEMENT

Section 8.14 Charter enforcement provisions.

- a) It shall be the responsibility of all elected officials to ensure the enforcement of and compliance with this charter.
- b) In the event there is an allegation of a violation of the charter or failure to follow its provisions, such allegation shall be referred to the city solicitor who shall review the allegation with the official or officials involved, and report any findings to the appropriate authority(s) consistent with the provisions of subsection c) below within sixty (60) days.
- c) To the extent allowed by law, any person who violates any provisions of this charter, unless otherwise provided, or violates any city ordinance for which no other punishment is provided, shall be guilty of a misdemeanor and, notwithstanding RSA 651:2, be fined not more than \$500 or imprisoned not more than 90 days, or both.
- d) If the allegation is a wrongdoing by the city solicitor, the board of mayor and aldermen may request the attorney general of the State of New Hampshire review the matter.

ARTICLE IX. STANDARDS OF CONDUCT

Section 9.01 Declaration of policy.

Honest government, ethical conduct, the avoidance of conflicts of interest and public perception of ethical and honest conduct of public affairs are essential. This code is adopted to further these purposes.

Section 9.02 Definitions.

- a) *Business.* Any corporation, partnership, sole proprietorship or other business entity whether or not for profit. Such definition does not include governmental entities.
- b) *City official.* Mayor, alderman, member of school committee, department heads, and officers.
- c) *Immediate Family.* Parents, siblings, spouse, children and spouses of children, step-children and spouses of step-children.
- d) *Financial interest.* A monetary or pecuniary interest in a business, entity or matter, whether direct or indirect, not shared by the public at large. A city official shall have a financial interest in the affairs of immediate family members, any business in which the official is an officer, director, proprietor, partner, trustee, member or employee, or any investment in which the official owns directly or indirectly, more than five percent (5%) of the total stock or

an interest totaling \$50,000.00 or more.

- e) *Personal interest.* Interest in a matter which is other than that of the official as a public official and which is more direct than that of the public at large and would influence the action of the public official.

Section 9.03 Standards of Conduct.

This code is written to establish standards of conduct for city officials. It is declaratory and is to be read consistently with the requirements of New Hampshire law and not to create duties less stringent than those required by New Hampshire law. It shall not limit the board of mayor and aldermen or school district from enacting consistent ordinances or rules.

- a) *Contracts and Purchases.* A city official shall not have an undisclosed financial or direct personal interest in any contract with the city. In the event a business or family member shall have any such interest, it shall be disclosed if pre-existing the official's taking office, or disclosed prior to any vote to enter such arrangement is taken by the board of mayor and aldermen.
- b) *Appointment or employment of immediate family member.* No city official shall participate in any way in any decision to employ or appoint any immediate family member to any city position nor any personnel action in connection with such employment or classified appointment.
- c) *Disclosure of confidential information.* A city official shall not disclose confidential information concerning the city or its business without proper legal authorization; nor shall any official use any such information to advance a private interest. Confidential information is information which the official obtains because of the position held which is not a matter of public record.
- d) *Gifts prohibited.* No city official shall accept any gift or thing of value which is offered to affect the vote or action of the official, nor shall any official solicit any such gift. This shall not prohibit legal campaign contributions or admission to events to which officials are invited in their official capacities, or food or beverage consumed at such events.
- e) *Conflict of interest.* No city official shall participate in the decision-making process of any matter in which the official or a member of the official's immediate family has a direct personal or financial interest. Any official who believes such an interest exists shall disclose such interest and shall not participate in the matter further. In the event any other official believes an official has a conflict, such conflict shall be disclosed to the city clerk who shall make a record of it. If the official does not believe such a conflict exists, the board of mayor and aldermen, or school committee if the official is a member of the school committee, shall make a determination and if it finds a conflict exists, the official shall not participate in the matter further, or the appropriate board may refer the matter to the conduct board.

- 1) No member of the board of mayor and aldermen, board of school

committee, planning board, zoning board of adjustment or any board or commission of the city shall vote, participate in deciding, or sit upon the hearing of any question which the board or commission is to decide if that member has a direct personal and pecuniary interest in the outcome which differs from the interest of other citizens.

- 2) When uncertainty arises as to the application of Section 9.03 (e) (1) above to a board or commission member in particular circumstances, the board shall, upon request of that member or another member of the board, vote on the question of whether that member should be disqualified. Such a vote shall be advisory and nonbinding, and may not be requested by persons other than board or commission members of such board the question is before.
- f) *Financial disclosure:* Within 90 days after the effective date of this charter, the city clerk shall prepare a financial disclosure form requiring all city officials to disclose their own individual business and financial relationships, employment and financial holdings. Such filings shall be updated annually before January 15. This section shall not apply to officers and department heads.
- g) *Non-interference:* The board of mayor and aldermen, the various boards and commissions and the board of school committee shall act in all matters as a body, and shall not seek individually to influence the official acts of any city official, or to direct or request, except in writing, the appointment or removal of any person to or from office; or to interfere in any way with the performance by such officers of their duties. This provision shall not prohibit assistance to constituents in their dealings with city officials if direct requests to the appropriate administrative officials have been unsuccessful, advocacy of particular outcomes on matters pending before the city when the matters are of a general nature, or submission of recommendations or references on behalf of a candidate for city employment which are not inconsistent with this code.

Section 9.04 Conduct board.

A conduct board is established and shall consist of five (5) members and two (2) alternates to: issue advisory opinions to the board of mayor and aldermen or school committee, if requested to do so by said board or committee, concerning this code and the actions of city officials; interpret this code; investigate violations of this code if requested to do so by city officials, written and attested complaints by citizens of the city or those doing business with the city, if it finds basis for such complaints, and issue reports after such investigations to the board of mayor and aldermen which may take action after such reports if it deems action necessary and, recommend ordinances to carry out the purposes of this code.

One member shall be the chief legal officer of the city. Two members and one alternate shall be appointed by the mayor and confirmed by a majority vote of the aldermen elected. Two members and one alternate shall be appointed by the board of aldermen by eight (8) votes. No more than three (3) members of the same political

party shall serve on the board at the same time. At least one (1) member shall have served as an alderman previously. Members shall be appointed for terms of three (3) years and such terms shall be staggered so no more than two (2) members and one (1) alternate are appointed at one time. Members may not serve for more than six (6) consecutive years.

ARTICLE X TRANSITION PROVISIONS

Section 10.01 Effective date of this charter.

The effective date of this charter shall be upon passage.

Section 10.02 Continuation of existing laws.

- a) All ordinances, resolutions, rules, regulations and votes of the board of mayor and aldermen which are in force at the adoption of this charter, not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed.
- b) Where the provisions of this charter conflict with provisions of city ordinances, regulations, orders or special acts, the provisions of this charter shall govern. All provisions of city ordinances, rules, regulations, orders and administrative actions not superseded by this charter shall remain in force until otherwise amended.

Section 10.03 Transfer of powers.

- a) Boards, commissions and authorities shall maintain the powers and duties granted to them by federal or state law, inter-municipal agreement, contract, or this charter. The composition of, appointment to and governance of, said boards, commissions, and authorities shall be subject to the restrictions imposed by state or federal law, inter-municipal agreement, contract or this charter.
- b) All members of boards, commissions, authorities and committees continued in effect by this charter shall continue to serve until reappointed or a successor has been appointed under the provisions of this charter.
- c) Effective with the first meeting in March of 2004, the board of mayor and aldermen shall confirm an aldermanic representative to serve on the airport authority. The mayor and the aldermanic representative so confirmed shall replace the airport authority members whose terms expire March 1, 2004 and shall complete their terms coincident with their terms of office.
- d) Effective January 6, 2004, an alderman shall be confirmed to serve on the water commission. The alderman so chosen shall fill one of the commissioners' positions whose terms expire January 2004.

Section 10.04 Temporary regulations.

The board of mayor and aldermen may adopt such temporary regulations as they may deem necessary in connection with the transition of government. Every temporary regulation shall be presented and ratified in the same manner prescribed for enacting ordinances. All temporary regulations shall be labeled as such and be automatically repealed in a manner designated by the board of mayor and aldermen in any such temporary regulation.

Section 10.05 Existing officials and employees.

- a) Any person holding a city office or employment under the city shall retain such office or employment and shall continue to perform the duties of the office until provisions have been made in accordance with this charter for the performance of said duties by another person or agency.
- b) Department heads and appointed city officers in transition to the provisions of this charter shall not be subject to competitive tests or other criteria as a condition of continuance in the office, but shall become subject to the removal provisions in this charter and the personnel system provided for in the ordinances of the city.
- c) The commissioner of welfare shall remain an elective office and be known as the department head of the welfare department, with all compensation and benefits presently constituted by ordinance or law, until the expiration of his elected term on November 22, 2005. Upon expiration of the commissioner of welfare's elected term on November 22, 2005, or if the office should become vacant prior to November 22, 2005, the department head of the welfare department shall be nominated by the mayor and confirmed by a majority of the aldermen elected and shall have compensation and benefits as may be determined by ordinance, and shall be subject to removal pursuant to Section 3.07 of this charter.
- d) All elected officials shall serve out their current term of office through January 6, 2004.
- e) The mayor, aldermen and other elected officials elected on November 4, 2003 shall take their oath of office on January 6, 2004 and serve through November 22, 2005.
- f) The positions of aldermen-at-large and school committee-at-large shall be considered abolished effective November 22, 2005.

Section 10.06 Elections.

Elections ordered by the board of mayor and aldermen following January 6, 2004 shall be consistent with the provisions of this charter.

Section 10.07 Meetings.

With the exception of public comment and public testimony, meetings of the board of mayor and aldermen, the board of school committee or any committee thereof shall

meet the requirements constituted by this charter effective January 6, 2004. For public comment and public testimony, meetings of the board of mayor and aldermen, the board of school committee or any committee thereof shall meet the requirements of this charter effective January 7, 2004.

Section 10.08 Budget.

The mayor taking his oath of office on January 6, 2004 shall submit his budget and message pursuant to other provisions of this charter, except that such submission shall occur on or before the first Tuesday in February, 2004. The board of aldermen shall adopt a budget for the ensuing fiscal year by the first Tuesday in April, 2004.

CITY OF MANCHESTER, NH
2003 PROPOSED CHARTER
APPENDIX A
(Wards of the City existing at adoption)

Ward Number One shall include that part of the city bounded by the following described lines: Beginning at a point at the intersection of the centerline of Interstate 93 and Mammoth Road; thence southwesterly by the centerline of Mammoth Road to the centerline of Smyth Road; thence southwesterly by the centerline of Smyth Road to the centerline of Webster Street; thence westerly by the centerline of Webster Street to the centerline of Elm Street; thence northerly by the centerline of Elm Street to the centerline of Monroe Street; thence westerly by the centerline of Monroe Street to the centerline of River Road; thence northerly by the centerline of River Road to the centerline of West Clarke Street; thence westerly by the centerline of West Clarke Street extended westerly to the centerline of the Merrimack River; thence upstream along the centerline of the Merrimack River to the Manchester-Hooksett town line; thence northeasterly by the Manchester-Hooksett town line to the centerline of Interstate 93; thence northeasterly and southerly by the Manchester-Hooksett town line to the centerline of Interstate 93; thence continuing southeasterly and southerly by the Manchester-Hooksett town line to the centerline of Interstate 93; thence southeasterly by the centerline of Interstate 93 to the centerline of Mammoth Road, to the point of the beginning.

Ward Number Two shall include that part of the city bounded by the following described lines: Beginning at a point at the intersection of the centerline of Interstate 93 and Mammoth Road; thence northwesterly by the centerline of Interstate 93 to the Manchester-Hooksett town line; thence southeasterly by the Manchester-Hooksett town line to the Manchester-Auburn town line; thence southerly by the Manchester-Auburn town line to the centerline of Wellington Road; thence southwesterly by the centerline of Wellington Road to the intersection of the centerline of Mammoth Road and the centerline of Bridge Street; thence westerly by the centerline of Bridge Street to the centerline of Belmont Street; thence northerly by the centerline of Belmont Street to the centerline of Pearl Street; thence westerly by the centerline of Pearl Street to the centerline of Beech Street, thence northerly by the centerline of Beech Street to the centerline of Orange Street; thence westerly by the centerline of Orange Street to the centerline of Union Street; thence northerly by the centerline of Union Street to the centerline of Webster Street; thence easterly by the centerline of Webster Street to the centerline of Smyth Road; thence northeasterly by the centerline of Smyth Road to the centerline of Mammoth Road; thence northerly by the centerline of Mammoth Road to the centerline of Interstate 93, to the point of the beginning.

Ward Number Three shall include that part of the city bounded by the following described lines. Beginning at a point at the intersection of the centerline of Webster Street and Union Street, thence Southerly by the centerline of Union Street to the centerline of Queen City Avenue; thence westerly by the centerline of Queen City Avenue extended to the centerline of the Merrimack River; thence upstream by the centerline of the Merrimack River to its intersection with the centerline of West Clarke Street extended; thence easterly by the centerline of West Clarke Street to the centerline of River Road; thence southerly by the centerline of River Road to the centerline of Monroe Street; thence easterly by the centerline of Monroe Street to the centerline of Elm Street; thence southerly by the centerline of Elm Street to the centerline of Webster Street; thence easterly by the centerline of Webster Street to the centerline of Union Street, to the point of the beginning.

Ward Number Four shall include that part of the city bounded by the following described lines: Beginning at a point at the intersection of the centerline Central Street and the centerline of Union Street; thence easterly by the centerline of Central Street to the centerline of Maple Street; thence northerly by the centerline of Maple Street to the centerline of Merrimack Street; thence easterly by the centerline of Merrimack Street to the centerline of Belmont Street; thence by the centerline of Belmont Street southerly to the centerline of Laurel Street; thence easterly by the centerline of Laurel Street to the centerline of Kenney Street; thence northerly by the centerline of Kenney Street to the centerline of Hanover Street; thence easterly by the centerline of Hanover Street to the centerline of Michigan Avenue; thence northerly

along the centerline of Michigan Avenue to the centerline of Briar Avenue; thence easterly along the centerline of Briar Avenue to the centerline of Beaver Street; thence southerly along the centerline of Beaver Street to the centerline of Hanover Street; thence easterly by the centerline of Hanover Street to the centerline of Interstate 93; thence northerly, northwesterly by the centerline of Interstate 93 to the centerline of Wellington Road; thence southwesterly by the centerline of Wellington Road to the intersection of the centerline of Mammoth Road and to the centerline of Bridge Street; westerly by the centerline of Bridge Street to the centerline of Belmont Street; thence northerly by the centerline of Belmont Street to the centerline of Pearl Street; thence westerly by the centerline of Pearl Street to the centerline of Beech Street; thence northerly by the centerline of Beech Street to the centerline of Orange Street; thence westerly by the centerline of Orange Street to the centerline of Union Street; thence southerly by the centerline of Union Street to the centerline of Central Street; to the point of the beginning.

Ward Number Five shall include that part of the city bounded by the following described lines: Beginning at a point at the intersection of the centerline of Central Street and the centerline of Union Street; thence easterly by the centerline of Central Street to the centerline of Maple Street; thence northerly by the centerline of Maple Street to the centerline of Merrimack Street; thence easterly by the centerline of Merrimack Street to the centerline of Belmont Street; thence by the centerline of Belmont Street southerly to the centerline of Laurel Street; thence easterly by the centerline of Laurel Street to the centerline of Kenney Street; thence northerly by the centerline of Kenney Street to the centerline of Hanover Street; thence easterly by the centerline of Hanover Street to the centerline of Page Street; thence southerly by the centerline of Page Street to the centerline of the Boston & Maine Railroad right of way; thence westerly by the centerline of the Boston & Maine Railroad right of way to the centerline of Platts Avenue extended; thence southerly by the centerline of Platts Avenue extended to the centerline of Oakland Avenue; thence westerly by the centerline of Oakland Avenue to the centerline of Mammoth Road; thence northerly by the centerline of Mammoth Road to the centerline of Porter Street; thence westerly and southerly by the centerline of Porter Street to the centerline of Massabesic Street; thence westerly by the centerline of Massabesic Street to the centerline of Valley Street; thence westerly by the centerline of Valley Street to the centerline of Union Street; thence northerly by the centerline of Union Street to the centerline of Central Street; to the point of the beginning.

Ward Number Six shall include that part of the city bounded by the following described lines: Beginning at a point at the intersection of the Manchester-Auburn town line and the centerline of Wellington Road; thence southerly by the Manchester-Auburn town line to the Manchester-Londonderry town line; thence westerly by the Manchester-Londonderry town line to the centerline of Interstate 93; thence northwesterly by the centerline of Interstate 93 to its intersection with the centerline of Cohas Avenue extended; thence northwesterly and westerly by the centerline of Cohas Avenue to the centerline of South Mammoth Road; thence northwesterly by the centerline of South Mammoth Road to the centerline of Island Pond Road; thence easterly by the centerline of Island Pond Road to the centerline of Benjamin Street; thence northerly by the centerline of Benjamin Street to the centerline of Renard Street; thence northeasterly, northerly and northwesterly by the centerline of Renard Street to the centerline of Benjamin Street; thence northerly by the centerline of Benjamin Street extended to the centerline of Medford Street; thence easterly by the centerline of Medford Street to the centerline of Normand Street; thence northerly by the centerline of Normand Street to the centerline of Holt Avenue; thence westerly by the centerline of Holt Avenue to the centerline of Cushing Avenue; thence northerly by the centerline of Cushing Avenue to the centerline of Oakland Avenue; thence easterly by the centerline of Oakland Avenue to the centerline of Platts Avenue; thence northerly by the centerline of Platts Avenue extended to the centerline of the Boston & Maine Railroad right of way; thence easterly by the centerline of the Boston & Maine Railroad right of way to the centerline of Page Street; thence northerly by the centerline of Page Street to the centerline of Hanover Street; thence easterly along the centerline of Hanover Street to the centerline of Michigan Avenue; thence northerly along the centerline of Michigan Avenue to the centerline of Briar Avenue; thence easterly along the centerline of Briar Avenue to the centerline of Beaver Street; thence southerly along the centerline of Beaver Street to the centerline of Hanover Street; thence easterly by the centerline of Hanover Street to the centerline of Interstate 93; thence northwesterly by the centerline of Interstate 93 to the centerline of Wellington Road; thence easterly by the centerline of Wellington Road to the Manchester-Auburn town line; to the point of the beginning.

Ward Number Seven shall include that part of the city bounded by the following described lines: Beginning at a point at the intersection of the centerline of Mammoth Road and the centerline of Cilley Road; thence southerly by the centerline of Mammoth Road to the centerline of Island Pond Road; thence easterly by the centerline of Island Pond Road to the centerline of Benjamin Street; thence northerly by the centerline of Benjamin Street to the centerline of Renard Street; thence northeasterly, northerly and northwesterly by the centerline of Renard Street to the centerline of Benjamin Street; thence northerly by the centerline of Benjamin Street extended to the centerline of Medford Street; thence easterly by the centerline of Medford Street to the centerline of Normand Street; thence northerly by the centerline of Normand Street to the centerline of Holt Avenue; thence westerly by the centerline of Holt Avenue to the centerline of Cushing Avenue; thence northerly by the centerline of Cushing Avenue to the centerline of Oakland Avenue; thence westerly by the centerline of Oakland Avenue to the centerline of Mammoth Road; thence northerly by the centerline of Mammoth Road to the centerline of Porter Street; thence southwesterly by the centerline of Porter Street to the centerline of Massabesic Street; thence westerly by the centerline of Massabesic Street to the centerline of Valley Street; thence westerly by the centerline of Valley Street to the centerline of Union Street; thence southerly by the centerline of Union Street to the centerline of Shasta Street; thence easterly by the centerline of Shasta Street to the centerline of Hall Street; thence southerly by the centerline of Hall Street to the centerline of South Hall Street; thence southerly by the centerline of South Hall Street to the centerline of Vinton Street; thence easterly by the centerline of Vinton Street to the centerline of South Jewett Street; thence northerly by the centerline of South Jewett Street to the centerline of Cilley Road; thence easterly by the centerline of Cilley Road to the centerline of Mammoth Road, to the point of the beginning.

Ward Number Eight shall include that part of the city bounded by the following described lines: Beginning at a point at the intersection of the centerline of Vinton Street and South Hall Street; thence easterly by the centerline of Vinton Street to the centerline of South Jewett Street; thence northerly by the centerline of South Jewett Street to the centerline of Cilley Road; thence easterly by the centerline of Cilley Road to the centerline of South Mammoth Road; thence southerly by the centerline of South Mammoth Road to the centerline of Cohas Avenue; thence easterly and southerly by the centerline of Cohas Avenue extended to the centerline of Interstate 93; thence southwesterly by the centerline of Interstate 93 to the Manchester-Londonderry town line; thence westerly and southerly by the Manchester-Londonderry town line to the Manchester-Litchfield town line; thence northwesterly by the Manchester-Litchfield town line to the centerline of the Merrimack River; thence upstream by the centerline of the Merrimack River to the centerline of Winston Street extended; thence easterly by the centerline of Winston Street extended westerly to the centerline of Brown Avenue; thence northerly by the centerline of Brown Avenue to the centerline of Connecting Road; thence easterly and northerly by the centerline of Connecting Road to the point of the intersection of the southerly property lines of properties fronting on the southerly side of Kenberma Street; said point being one hundred (100) feet more or less southerly of the centerline of Kenberma Street and on a line parallel to Kenberma Street and one hundred (100) feet more or less southerly of the centerline of Kenberma Street to the westerly property line of property now or, formerly of the United States Postal Service; thence northerly along the westerly property line of land now or formerly of the United States Postal Service as extended northerly to the centerline of Interstate 293; thence easterly by the centerline of Interstate 293 to the centerline of South Willow Street; thence northerly and northwesterly by the center line of South Willow Street to the centerline of South Lincoln Street; thence northerly by the centerline of South Lincoln Street to the centerline of Parkview Street; thence easterly by the centerline of Parkview Street to the centerline of South Hall Street; thence northerly by the centerline of South Hall Street to the centerline of Vinton Street, to the point of the beginning.

Ward Number Nine shall include that part of the city bounded by the following described lines: Beginning at a point at the intersection of the centerline of Union Street and the centerline of Shasta Street, thence easterly by the centerline of Shasta Street to the centerline of Hall Street; thence southerly by the centerline of Hall Street to the centerline of South Hall Street; thence southerly by the centerline of South Hall Street to the centerline of Parkview Street; thence westerly by the centerline of Parkview Street to the centerline of South Lincoln Street; thence southerly by the centerline of South Lincoln Street to the centerline of South Willow Street; thence southeasterly and southerly by the centerline of South Willow Street to the centerline of Interstate 293; thence westerly by the centerline of Interstate 293 to the point of the intersection of the westerly property line of land now or formerly of the United States Postal Service to

a point, said point being the southerly property lines of properties fronting on the south side of Kenberma Street; thence westerly along the southerly property lines of properties fronting on the south side of Kenberma Street and on a line parallel to Kenberma Street and one hundred (100) feet more or less from the centerline of Kenberma Street to the centerline of Connecting Road; thence southerly and westerly by the centerline of Connecting Road to the centerline of Brown Avenue; thence southerly by the centerline of Brown Avenue to the centerline of Winston Street; thence westerly by the centerline of Winston Street extended to the centerline of the Merrimack River; thence upstream by the centerline of the Merrimack River to the centerline of Queen City Avenue; thence easterly by the centerline of Queen City Avenue to the centerline of Willow Street, thence northerly by the centerline of Willow Street to the centerline of Union Street, to the point of the beginning.

Ward Number Ten shall include that part of the city bounded by the following described lines: Beginning at the intersection of the Manchester-Goffstown town line and the centerline of the Piscataquog River; thence downstream by the centerline of the Piscataquog River to the centerline of Granite Street extended; thence northeasterly and easterly by the centerline of Granite Street to the centerline of the Merrimack River; thence downstream by the centerline of the Merrimack River to the Manchester-Bedford town line; thence westerly, northerly & westerly by the Manchester-Bedford town line to the Manchester-Goffstown town line; thence northerly by the Manchester-Goffstown town line to the centerline of the Piscataquog River, to the point of the beginning.

Ward Number Eleven shall include that part of the city bounded by the following described lines: Beginning at a point of the intersection of the centerline of the Piscataquog River and the centerline of Kelly Street; thence easterly by the centerline Kelly Street to the centerline of Upland Street; thence northerly by the centerline of Upland Street to the centerline of Bremer Street; thence easterly by the centerline of Bremer Street to the centerline of Hevey Street; thence northerly by the centerline of Hevey Street to the centerline of Mason Street; thence easterly by the centerline of Mason Street to the centerline of Coolidge Avenue; thence southerly by the centerline of Coolidge Avenue to the centerline of Bremer Street; thence southeasterly by the centerline of Bremer Street to the centerline of McGregor Street; thence southerly by the centerline of McGregor Street to the centerline of West Bridge Street; thence easterly by the centerline of West Bridge Street to the centerline of the Merrimack River; thence downstream by the centerline of the Merrimack River to the centerline of Granite Street; thence westerly by the centerline of Granite Street extended to the centerline of the Piscataquog River; thence upstream by the centerline of the Piscataquog River, to the centerline of Kelly Street, to the point of the beginning.

Ward Number Twelve shall include that part of the city bounded by the following described lines: Beginning at a point of the intersection of the centerline of the Piscataquog River and the centerline of Kelly Street; thence easterly by the centerline of Kelly Street to the centerline of Upland Street; thence northerly by the centerline of Upland Street to the centerline of Bremer Street; thence easterly by the centerline of Bremer Street to the centerline of Hevey Street; thence northerly by the centerline of Hevey Street to the centerline of Mason Street; thence easterly by the centerline of Mason Street to the centerline of Coolidge Avenue; thence southerly by the centerline of Coolidge Avenue to the centerline of Bremer Street; thence southeasterly by the centerline of Bremer Street to the centerline of McGregor Street; thence southerly by the centerline of McGregor Street to the centerline of West Bridge Street; thence easterly by the centerline of West Bridge Street to the centerline of the Merrimack River; thence upstream by the centerline of the Merrimack River to the Manchester-Hooksett town line; thence northerly, northwesterly and westerly by the Manchester-Hooksett town line to the Manchester-Goffstown town line; thence southerly by the Manchester-Goffstown town line to the centerline of the Piscataquog River; thence downstream by the centerline of the Piscataquog River to the centerline of Kelly Street, to the point of the beginning.

**CITY OF MANCHESTER, NH
2003 PROPOSED CHARTER
APPENDIX B**

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MANCHESTER CHARTER COMMISSION

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